

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

LeClairRyan, PLLC,¹

Debtor

Case No.

19-34574-KRH

Chapter

7

**TRUSTEE’S MOTION FOR SUMMARY JUDGMENT ON OBJECTION TO
PROOF OF CLAIM 48-1 SUBMITTED BY LATONYA MALLORY**

Lynn L. Tavenner, Trustee, and not individually but solely in her capacity as the Chapter 7 trustee (in such capacity, the “**Chapter 7 Trustee**” and/or the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of LeClairRyan PLLC (“**LeClairRyan**” and/or the “**Debtor**”), in the above-referenced Chapter 7 case (the “**Case**”), by counsel, moves for the entry of summary judgment in favor of the Estate pursuant to Rule 56 of the Federal Rules of Civil Procedure as incorporated into this contested matter by Rules 9014 and 7056 of the Federal Rules of Bankruptcy Procedure on the ground that Proof of Claim 48-1 submitted on behalf of Latonya Mallory is barred in its entirety, in that the Claim (1) is preempted by the False Claims Act; (2) requires the re-litigation of essential elements that were previously adjudicated against Mallory in an action arising under the federal Anti-Kickback Statute and False Claims Act, subjecting it to collateral estoppel; (3) seeks contribution from an alleged joint tortfeasor, a claim unavailable to an intentional

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

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wrongdoer such as Mallory under Virginia law; and (4) fails to allege plausibly that Mallory was in an individual attorney-client relationship with the Debtor, a law firm that advised a corporate entity. The grounds for entry of summary judgment are set forth fully in the brief submitted with this motion.

Respectfully submitted,

LYNN L. TAVENNER, CHAPTER 7 TRUSTEE

/s/ Craig T. Merritt

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Filed this day by,

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February 2023, I will electronically file a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service.

/s/ Paula S. Beran
Counsel for Lynn L. Tavenner, Chapter 7 Trustee